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June 11, 2020

VIA ECF & Via Torres NYSDCHAMBERS@nysd.uscourts.gov

The Honorable Analisa Torres
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Yovanny Dominguez v. CorePower Yoga, LLC
Case No. 19-cv-10817-AT

Dear Judge Torres:

This firm represents Defendant, CorePower Yoga, LLC in the above-referenced matter. We write, with Plaintiff's consent, to respectfully request a stay of the proceedings in this action, pending the ruling of the Second Circuit Court of Appeals' review of rulings on nearly-identical motions to dismiss.

By way of brief background, within the last month, courts in the Southern District of New York have granted motions to dismiss other gift card cases involving substantially identical complaints. (*See Yovanny Dominguez v. Banana Republic, LLC, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW) ("Banana Republic")*; *James Murphy v. Kohl's Department Stores, Inc., U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) ("Kohl's")*). Plaintiffs in those cases exercised their right to appeal from those rulings, and the Second Circuit has recently ordered an expedited briefing schedule in certain of those cases, indicating some intention that the Second Circuit intends to address the same issues at the core of the pending motion to dismiss. Although we understand that the plaintiffs/appellants in those cases intend to ask the Second Circuit to consolidate those appeals and withdraw the expedited briefing schedules, the Second Circuit's intent to rule on these same issues is inevitable and possibly imminent.

As a result, Defendant seeks, with Plaintiff's consent, a comprehensive stay of the proceedings in this action pending the Second Circuit's rulings on the appeals. A stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals.

Respectfully submitted,

JACKSON LEWIS P.C.

By: /s/ Joseph J. Lynett
Joseph J. Lynett

The request for a stay is DENIED.

SO ORDERED.

Dated: June 15, 2020
New York, New York



ANALISA TORRES
United States District Judge